

1893-026 Chancery Causes: Adm. of Susan P. Willis vs. J. S. Willis
Lee Co.

Ely

CA-Debt
T-Property

-Deed

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Va

Your Orator Thomas S. Kelly Esq.
would respectfully show your Honor
that heretofore to wit on the 2nd day of April
1884. in the Circuit Court of Lee County he
as Administrator of W^m A. Willis obtained
a judgement against one J. S. Willis for
the sum of \$55.50 with interest thereon
from the 4th day of December 1874 till
paid and the costs, which costs amounted
to the sum of \$9.30, which will fully appear
by reference to said judgement, an abstract
of which is here filed marked "A"; That at
the same term of said Court to wit on
the 31st day of March 1884 he in the same
character obtained a judgement against
the said J. S. Willis and W. R. Boles for the
sum of \$36.45 with legal interest there
on from the 6th day of August 1884 till
paid and the costs amounting to \$9.30. sub
ject to a credit of \$20.00 paid by said
Boles on the 30th day of December 1883, all
of which fully appears by said judgement
an abstract from which is here filed
marked "B". Upon this debt W^m R. Boles
is the surety of the said Willis, who is pri
marily liable and ought to pay it; That

at the September Term 1884 of the said Court
To wit on the 8th day of September 1884
he in the same Character, obtained ~~an~~
~~other~~ judgment against Wiley Carmack
and the said J. S. Willis for the sum of \$48.32
with legal interest thereon from the 3rd day
of July 1874 till paid & the costs which amount
to the sum of \$9.05 subject to a credit of
\$10.96 paid November the 9th 1875. all of
which will more fully and at large appear
by reference to said judgment, an Abstract
from which is here filed marked "6" The said
Wiley Carmack is not now, and has not
for several years been, a resident of the State
of Virginia, and he has no estate in Vir-
ginia shown to your orator; Your orator
will further show your Honor that at the
March Term 1885 of the Circuit Court of
Lee County, to wit, on the 1st day of April
1885. he in the same character obtained
another judgment against the said J. S. Wil-
lis for the sum of \$219.85 with inter-
est from the 11th day of October 1868 till
paid and the costs amounting to \$8.48
subject to a credit of \$91.77 paid July
4th 1883. all of which will fully appear
by an inspection of said judgment
an abstract from which is here filed

marked "D." Your orator had said
Judgements docketed in The Judgements
lien docket of said County so as to per-
fect in the manner prescribed by law
the lien there of upon such real estate
as the said J. S. Willis owns in said Coun-
ty, which will more fully and at large
appear by reference to an abstract from
said lien docket heretofore filed marked "E"

Upon each of these Judgements your or-
ator has had issued from the Clerk's Office
of the Circuit Court of Lu County Writs
of "fi fa" against the goods and chattels
of the said J. S. Willis, which writs have been
placed in the hands of one of the Deputy
Sheriffs of said County and have been
returned by him "no property found"

Your orator will now show, your Honor
that these Judgements are all the property
of the estate of Susan P. Willis of which
your orator is the Administrator de bonis
non. Your orator will now show your
Honor that the whole of said Judgements
except as shown by the credits endorsed there
on are still due and owing to your orator
that they cannot be collected out of the
personal estate of the said Willis and
can only be collected by enforcing the
lien which they constitute on the real

estate which he owns. Your orator will now show your Honor that the said J. S. Willis is the owner of a small but valuable tract of land situated in said County some 4 miles West of the Town of Jonesville adjoining the lands of Thomas S. Ely Francis Holliday and others, on which upon which said Judgements are liens, for a more particular description of this land reference is had to the deed of J. R. Ely ~~to~~ to J. S. Willis now of record in the Clerk's office of said County, & a copy of which is here filed marked "H". The rents and profits of this land will not in 5 years reimburse any of said Judgements.

It is proper for your orator to state that when this money is collected belonging as it does to the Estate of Susan P. Willis that it will be for distribution among her heirs of whom the said J. S. Willis is one and whatever sum he is entitled to receive as a distributer of said Estate ought to be credited on his indebtedness to said Estate when he presents to said Administrator a receipt which will constitute to him a proper voucher. Now the object of this bill is to enforce the

lien of said judgments against the
real estate owned by said J S Willis
and to subject the same to sale for that
purpose, but to effect this, can only
be done in a court of Chancery your
Orator prays your Honor to take Cogni-
zance of his cause and grant him
the proper relief and to this end he
prays that the said J S Willis be made
the party Defendant to this bill and
that he be required to answer to sev-
eral allegations on Oath, That upon
a final hearing that the lien of your
Orators Judgment be enforced against
said land and it sold to satisfy the
same and for such other further relief
special and general as is suited to
his case May I pray issue to.

Richmond Duncan Torr

Atty for Plff

Diff's cost

6 \$15.00 (by 10.00 by 5.00)

8 15.00

Leo 6 1.35

\$31.87

Estimate 10.00

Get due at year cost

5.02

Estimated 9.30

\$14.32

P. of debt 472.40

Ad to 755 15.07

Costs of suit 41.87

Com. of sale 19.60

549.49

Two: S. Ely Sam

vs 3 Rice in shay

J. S. Willis

1885 May Bill filed

" June Spa End & Det.

" July Court 00.

" Aug. D. Nisi Conf'd

" Novr Continued

1886 Continued this year

1887 " " "

1888 March Decree & Costs

" Costs bal Year

1889 " this year

1890 " " "

1891 " " "

1892 " " "

1893 March Court

" June Decree

final D.D.

480

Cash on costs 20.00

Hay 24.80

To the Hon. John A. Kelly
Judge of the Circuit Court of
Lee County Va.

~~The~~ separate answer of J. P.
Willis to a bill filed in this
Honorable Court against him by
Thomas S. Ely admr.

Respondent does not deny
that the plff has and holds
the judgment against him
set out in his bill. But re-
spondent avers that in all of the
judgments obtained by the plff
he is a legal distributee and en-
titled to one fourth part of each
and the money thus sought to be
enforced against him, is $\frac{1}{4}$ of
the same and its interest due this
respondent as distributee and
the same should not be called
from him. The plff as the
admr of Susan P. Willis is also
due this respondent a considerable
sum of money which should
go as a credit upon these
matters; and when fully as-
certained he is willing to account
for his full share. Respondent
avers that when the plff shall

fully settled his account of these
estates in which respondent is
a distributee there will be
but a small amount if any
thing due the plff. The plff
himself or his father is a dis-
tributee, and he owes in his
individual capacity a consider-
able amt to said estates.

Respondent should his plea
be overruled in this Court may
an account and ascertain-
ment of the matter between
himself & the plff and when fully
ascertained it will be time
enough for the plff to sue
respondent's law. And having
now fully answered he may to
be dismissed with his costs.

A L Pridmore
for def.

Sworn to before me in due form
by J. S. Willis Aug. 27th 1885.
J. A. S. Hyatt & Co

J. S. Willis

ack { Answer.

Thomas S. Elyades

Thomas S Ely

vs.

J. S. Willis

This cause came on this day to be finally heard on the papers heretofore read, and the Plaintiff admitting in open Court that the debt in the will and proceedings mentioned and has been fully paid, the said Cause is stricken from the docket.

Thomas S. Ely
vs $\frac{1}{3}$ Decora fund.

J. S. Willis

Entered on Chy O. B.

Page 480.

June 7, 1893

John A. & H. G. Gant

Enter this decree

H. S. K. W.

June 7th 1893.

D. C. Willis.

Plff

vs

3 Inshy

Thomas S Ely

Adm & Dfts

and

Thos. S. Ely Adm &

Plff

vs

3 Inshy

J. S. Willis

Dft

These causes came on again this day to be heard upon the papers formerly read, and the report of E. W. Pennington Commissioner and exceptions thereto, and was argued by counsel on said motion whereof said exceptions 1 & 2 are overruled, and exception no. 3 is by consent sustained and Commissioner by like consent was directed to amend his report in accordance with said exception no. 3, and said amendment was made by said Commissioner at bar, on consideration whereof said report and statements as amended is approved and confirmed. And it is therefore adjudged ordered and decreed that the plaintiff D. C. Willis recover of T. S. Ely Adm of Susan P. Willis deceased the sum of two hundred and three

dollars & Twenty six cents with interest thereon from the 19th day of July 1887 till paid and the costs of this suit to be taxed by the Clerk for which execution may issue And it appearing to the Court that said Ely as Administrator has now paid, W. R. Bales guardian for James S. Willis Minor heir of W. A. Willis deceased the sum of \$22.61 it is adjudged ordered and decreed that he receive that sum from the said Bales as guardian as aforesaid with interest thereon from the 19th day of July 1887 till paid. And it is further adjudged ordered and decreed that the said Thomas S. Ely Plaintiff in the second styled cause receive of the defendant in said cause, J. S. Willis, the sum of four hundred and seventy two dollars and 43 cents with interest thereon from the 19th day of July 1887 till paid and the costs of said suit to be taxed by the Clerk, and it further appearing to the Court that said sum of \$472.43 is a lien upon the lands in the bill and proceedings in said cause mentioned

it is further adjudged ordered
and decreed that unless the said
J. S. Willis or some one for him
shall pay to the Plaintiff Thomas
S. Ely said sum of \$472⁴³ with its
interest and the costs of this suit
within 30 days from the adjourn-
ment of this court, then L. T. Duncan
who is appointed a special com-
missioner for the purpose shall
proceed to sell the lands in said bill
mentioned or enough thereof to pay
the same, together with the costs of suit
and costs and commissions of sale.
Said sale shall be made at the front
door of the Court house of Lee County
on a court day, but before proceed-
ing to sell said commissioner will
execute bond before the Clerk of this
Court in a penalty of \$1000.00 and li-
bion to account for all sums re-
ceived by him; he will also advertise
the time, terms and place of sale
by posting written notices thereof
at three or more public places in
said County, one of which shall be
on the Court house door and another
in the neighborhood where said
land lies said commissioner

It said bill shall be an affidavit of due time and three years with interest
from date of debt for a sum sufficient to pay costs of suit and costs and
commissions of sale, but before proceeding to sell said land for sale said
commissioner will offer said land for auctioning and if it will meet
thereon in said will offer said land for auctioning and if it will meet
offer accordingly in fine price to pay said debt with interest & costs the will accept
the same, taking good security for said suit costs & costs payable annually and being
in the Court house.

will report his action from time to time and said second named cause is continued and there remaining nothing further to be done in the first named cause is stricken from the docket.

Wells

vs-

Ely and } Deane

Ely

vs-

Wells

Entered page 100 + 1

C. D. & No. 3.

J. G. Hyatt & Co.

Enter this decree

Dec 8th 1887

K. K. M.

J. S. Kelly Admr. &c.

Plff

vs

J. S. Kelly

J. S. Willis.

Def

This cause came on again this day
to be heard upon the papers formerly read,
and the report of renting made by Lewis
C. T. Dunson and filed on the 15th day of
March 1888 and was argued by counsel
and it appearing to the Court that said
renting ^{is for a sum sufficient to} settle said debt interest and cost
and that there are no exceptions to said report
the same is confirmed and the cause
is continued.

J. S. Ely same to
vs 3 leaves
J. S. Willis

Enter this leave

Apr 3rd 1888

To the Hon. H. H. Morrison Judge of the
Circuit Court of Lee County.

The undersigned special commiss
sioner in the Chancery cause of T. S. Ely Sum
vs. J. S. Willis would respectfully report
to your Honor That pursuant to the decree en
tered in this cause on the 8th day of December
1887, he on the 7th day of February 1888, offered
the land in the bill and proceedings in said
cause mentioned for rent at the front door
of the Court ^{room} that being Court day, for a term
long enough, to satisfy said debt interest and
costs, when J. S. Willis offered to pay said debt
interest and costs for the use of said land,
for the term of five years, That being the best
bid it was accepted.

Your Commissioner ascertained said debt
principal and interest to the 7th day of February
1888 to be \$488.02 and for this sum the said
Willis executed his note bearing interest from
date payable in equal annual installments
with A. L. Pridemore as security. This note is
perfectly good and herewith filed marked "1"

The costs as taxed by the Clerk is \$31.87

Estimated costs	10.00
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Commissions of sale	19.60
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Total -	\$61.47
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This sum is required by the decree to be
paid down but only \$20. of it has been
paid but Mr Willis promises to pay it
very soon. Renting should be confirmed

March 15th 1888. Respectfully submitted

C. F. Dunsen, Commissioner.

J. S. Ely, Amherst.
no. 4 Report of meeting
J. S. Willis

Filed March 15/1888
J. S. Ely, Secy

Virginia

Lee Circuit Court, Apr. 2^d / 1884

Thos. S. Ely & Mr. W. A. Willis Plffs

Against

J. S. Willis

Def

In Debt

+ + + Judgment for \$35.50 with
legal interest from 4th Decr. 1874 till
paid and the Costs.

C 6.05-

S .50

A 2.50

C 25

\$9.30

A Copy Teste-

J. A. Hyatt c.c.

Thos. S. Elydame
Extract of
no 3 Judgment
J. S. Willis

"A"

Virginia

At a Circuit Court, Contd
and held for the Mr. 31st 1884

Thos. S. Ely Admr. Wm. A. Willis Plff

versus

J. S. Willis and W. R. Boles Defts

In debt

The Defendants not appearing
It is considered by the Court that the
Judgment obtained in the Clerks office
against them in favor of the Plff. for
\$36.45 + + with legal interest thereon

6 6.05 - from 6th Aug 1884, till paid and the
8 .50 Costs be made final. Cr. \$20.00 paid
A - 2.50 by W. R. Boles Decr. 30th 1883.
Colo. 25
\$9.30

A Copy Lest

J. A. Hyatt cc

Thos. S. Ely, Secy.
3 Copy of
no. 3 Indgment
J. S. Willis & N. R. Boles

"B"

1883- Nov 28	Lee Ct. Ann.	Apr 2 nd	Not S. City Admr. of Wm A. Willis decd. Geo. L. 100 th St. Plff.	Judgment for \$217.85 with legal interest thereon from the 11 th day of October 1888 till paid & the costs. b. 5.23 Cr. b. 25-8.50 A 2.50
		1883- 25	J. S. Willis of Lee Co. Va. Dett	

Attest
John R. Gibson clk

L. S. Oly Admrs
US 30th of Judge
J. S. Willis

The for copy 20%

1884
Aug 26

Lee 1884
Ac. Count Aug 29

Thos J. Ely of Lee Co. Va. Plff
vs
Wm Carmack of S. Willis of Lee Co. Va. Defs

Judgment for \$48.54 with legal
interest thereon from the 3rd day of
July 1884 till paid and the costs
\$2.50 b 5.52 b o. b. 25. - \$ 50.
A copy List John R.

J. J. Ely
20 Copy of Budget
Wiley Garrison et al

See for this copy 2.85

1884	Lee circ 1884	Thos. S. Cely Admr of W. A. Willis of Lee Co. Va.	Plff.	Judgment for \$36.45 with legal interest thereon from the 6th day of August 1874 till paid & the costs b. 4.51 S. 1.00 A. 2.50 b. o. b. 2.50
Mar 26	Court Appr	vs J. S. Willis & W. R. Bales of Lee Co. Va.	Deft.	
				Attest John R. Gibson clerk

J. S. Ely
W. B. Copy Judge
J. S. Miller et al

See 2000

Virginia

Lee Circuit Court Apr. 1st / 1885.

Thos. S. Ely Admr W. A. Willis Plff

vs
J. S. Willis

Deft

In
Debt

Judgment for \$219.85-
with legal interest from the 11th
day of October 1868. till paid
+ the Costs. # Or July 4th / 1883 \$91.

65.23

77.

8.50

72.50

66.25)

\$8.48

A Copy Teste

J. A. Hyatt cc

Thos. S. Ely Admr
Extract of
vs Judgment
J. S. Millis

"S"

This deed made the 16th day of February 1875
between James R. Ely and Sarah Ely his wife
of Lee County Virginia and Alexander Ely Jr.
of Lamar County Texas by Elbert S. Woodward
of Lee County Virginia his attorney in fact
of the one part, and Jeremiah Skelton Willis
of Lee County Virginia of the other part,
Witnesseth, That for and in consideration
of the sum of twelve hundred dollars
the receipt of which is hereby acknowledged
the said James R. Ely and Sarah Ely his
wife and Alexander Ely Jr. by Elbert S.
Woodward his attorney his attorney in fact
have this day granted bargained sell and
convey to the said Jeremiah S. Willis a certain
tract or parcel of land lying and being on
the river road about five miles South west
of Jonesville in Lee County Virginia supposed
to contain about one hundred and ten acres
be the same more or less and bounded by the
land of Caleb Harris on the east and with his
lines to the river and thence down the river
to an entry made by Alexander Ely Sr. and
with the lines thereof to Francis Holladay's land
and with lines thereof to Alexander Ely Sr. land
and North lines thereof and Thomas S. Ely's line
to an entry made by Alexander Ely Sr. and
Andrew M. Ely and with the western lines

of said entry and the western line of the
parsonage lot to said, Caleb Jarvis land
together with all the appurtenances be-
longing to the same to have and to hold
the same forever. And the said James R. Ely
& Sarah Ely his wife do further hereby convey
to the said Jeremiah S. Willis all the right and
privilege of a way to, and of using the spring
on said land, that was conveyed to the said
James R. Ely by Andrew M. Ely, said spring
said spring being on the said Parsonage lot.
And the said parties of the first part do
hereby covenant to and with the said Jeremiah
S. Willis that they will and do hereby warrant
generally the tract of land hereby conveyed
against the claims of all persons whatever
except that the said attorney in fact, Albert
S. Woodward is not to be individually or personally
liable out of his own estate by reason of the
warranty contained in this deed. Witness the fol-
lowing Signatures & Seals.

James R. Ely Seal

Sarah C. Ely Seal

Alexander W. Ely Jr Seal

By Albert S. Woodward

his attorney in fact.

Virginia Lee County Court Clerk's office the 30th day of
March 1875. The foregoing deed from James R.

Ely & Sarah B. Ely his wife & Alexander W. Ely Jr. of the one part to Jeremiah Skelton Willis of the other part was this day acknowledged before me by Albert S. Woodward attorney in fact for the said Alexander W. Ely Jr. to be his act and deed for the purposes therein mentioned.

James W. Orr Clerk.

Virginia, Lee County Court Clerk's office the 17th day of June 1875. The foregoing deed from James R. Ely & Sarah B. Ely his wife and Alexander W. Ely Jr. by Albert S. Woodward his attorney in fact of the one part to Jeremiah Skelton Willis of the other part, was this day acknowledged before me by the said James R. Ely & Sarah B. Ely his wife to be their act and deed for the purposes therein mentioned, and the said Sarah B. Ely wife of the said James R. Ely being examined by me privately and ~~separately~~ and apart from her said husband and having the deed aforesaid fully explained to her she the said Sarah B. Ely acknowledged that she had willingly signed and executed said deed and did not wish to retract it. Given under my hand the day & year aforesaid.

James W. Orr Clerk.

Attest

John R. Gibson Clerk

J. S. Willis
From Copy of Deed
J. R. Eley et al

"
H

See for this copy 758

Know all men by these presents that we C. T. Duncan and Thos. S. Ely are held and firmly bound unto the Commonwealth of Virginia in the full sum of one thousand Dollars, and for the prompt payment thereof, we each bind ourselves heirs &c and we as to this bond waive our Homestead exemptions, witness our hands and seals this 9th day of Jan'y 1888,

The conditions of the above bound obligation is such that whereas the above bound C. T. Duncan was appointed a Comr. in the Chancery Cause of Thos. S. Ely Admr. &c vs J. S. Willis at the Nov. Term 1887, and directed to rent or sell the lands in the Bill mentioned

Now therefore should the above bound C. T. Duncan faithfully perform the duties assigned him & properly account for all sums of money he may receive as such Comr; then this obligation to be void otherwise to remain in full force & virtue.

C. T. Duncan Seal
Thos. S. Ely Seal

Thos. S. Ely Annor
vs ~~Wm~~ Bond

J. D. Willis

Filed 9th day of
January 1888.

J. A. Hyatt

Received of C. T. Duncan Comr in the
Chancery Cause of T. S. City Sum & c
J. S. W. our note for \$488.02, executed by J. S.
Willis with A. L. Pridemore as security bear-
ing interest from date and payable in five
equal annual installments in discharge
when fully paid of the debt decreed to me
in said cause and in full discharge of
said Commissioners liability. Given
under my hand this 1st day of May 1888

Thos. S. City Sum of
Susan P. & Wm A Willis decd

J. L. Ely Sam
Y. & Respt.

C. L. Dunsen Com

33

32

31

30

29

28

27

J. S. Willis
advs } In chy on plea.
Thomas S. Ely adv

The defendant in this cause for plea says, himself David C. Willis, the plff and his wife, J. S. Willis Jr. and Wm R. Boles and wife, are the heirs at-law and distributees of the estates of Wm A. Willis, & Susan P. Willis deceased, that the plff is the administrator of each of these estates, and that David C. Willis, heretofore filed and has pending now in this Hon. Court a bill in Chancery in which the plff in this cause and the defendant are parties defendants; that said bill has for its object the distribution of said estates after their full ascertainment, of which the judgments here sought to be enforced are part; And that the said David C. Willis & Thomas S. Ely have now agreed to submit the settlement of these estates to the arbitration & award of H. J. Morgan before whom said account is soon to be taken - And where as he alleges the judgments said on should be properly settled - And the defendant - avers that the plff

had full knowledge of these facts
at the time and long before the in-
stitution of the press, suit. And thus
he is ready to verify when &c.

A L Prieemore
Per Sept.

J. D. Willis

Ady J. Prieemore

Thomas J. Ely

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

J. S. Willis

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

June next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
him, by *Thos. S. Ely, Admr. Debonis now*
of Susan P. Willis dec'd

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,

this *9th* day of *May*, 188*5*, in the 10*9* year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste:

R. D. & O

Geo. S. Ely, Clerk

no 3 Spainchey

J. S. Willis

To June Rules 1885

Executed by handing
J. S. Willis a true
office copy of the
within S. H. Evans & S.
for R. S. Flanery S. F. 6
May 15th 1885